

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL LASKEY,

Plaintiff,

CASE NO. 2:13-CV-14538
JUDGE ARTHUR J. TARNOW
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

CITY OF WARREN,
KIMBERLEY TEOLIS and
COLIN MCCABE,

Defendants.

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**ORDER GRANTING PLAINTIFF'S AUGUST 4, 2014
MOTION TO COMPEL DISCOVERY (Doc. Ent. 23)**

A. Background

Michael Laskey filed the instant lawsuit on October 30, 2013 against the City of Warren, and Warren Police Officers Kimberley Teolis and Colin McCabe. Doc. Ent. 1. The facts underlying this lawsuit stem from an alleged October 31, 2011 event. The causes of action include (I) excessive force in violation of the Fourth Amendment; (II) assault and battery; (III) gross negligence; and (IV) constitutional violations by the City of Warren.

Pursuant to the July 23, 2014 order, the discovery deadline was extended to September 18, 2014 and the dispositive motion deadline was extended to October 15, 2014. Doc. Ent. 20.

B. Instant Motion

Currently before the Court is plaintiff's August 4, 2014 motion (Doc. Ent. 23) to compel discovery. This motion challenges defendants' March 10, 2014 responses to plaintiff's November 20, 2013 Request to Produce Nos. 4 and 6. Request to Produce No. 4 seeks policy,

procedure and/or guideline information regarding the use of force and the intervention by fellow officers. Request to Produce No. 6 seeks defendants' personnel files with the Warren Police Department. *See* Doc. Ent. 23-2, 23-3.

Defendants filed a response on September 12, 2014. Doc. Ent. 26.

C. Discussion

On September 17, 2014, the parties filed a joint list of resolved and unresolved issues. Doc. Ent. 27. The parties have agreed that plaintiff is entitled to documents responsive to Request to Produce No. 4, subject to the entry of a protective order. However, as to Request to Produce No. 6, the parties disagree on the breadth of disciplinary files to be produced. Finally, the parties cannot agree upon which protective order to use - the one proposed by plaintiff (Doc. Ent. 27-2) or the one proposed by defendants (Doc. Ent. 27-3).

Judge Tarnow has referred this motion to me for hearing and determination. Doc. Ent. 24. A hearing was noticed for September 23, 2014. Doc. Ent. 25. On the date set for hearing, attorneys Shawn C. Cabot and Robert J. Morris appeared.

Upon consideration, plaintiff's motion is granted. As the parties have agreed, defendants shall produce documents responsive to Request to Produce No. 4. In response to Request to Produce No. 6, defendants shall produce everything in Officers Teolis and McCabe's personnel files, except purely personal information such as but not limited to health or insurance information, names of family members, addresses, social security numbers and dates of birth.

Moreover, these documents may be produced subject to defendants' September 17, 2014 proposed protective order (Doc. Ent. 27-3), which will be entered under separate cover.

D. Order

Accordingly, plaintiff's August 4, 2014 motion to compel discovery (Doc. Ent. 23) is

GRANTED. Defendants SHALL produce documents responsive to Request to Produce Nos. 4 and 6, as discussed above, within fourteen (14) days of the date of this order, unless objections thereto are filed.

IT IS SO ORDERED.

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

Dated: September 24, 2014

s/Paul J. Komives
PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on September 26, 2014, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Paul J. Komives